

HOUSE BILL 2198

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 211, relative to solid waste disposal.

WHEREAS, the General Assembly passed the Tennessee Solid Waste Disposal Act with a primary purpose to reduce the use of Class I landfill space; and

WHEREAS, the recently completed "2015-2025 Solid Waste and Materials Management Plan" found that Tennessee has Class I landfill capacity sufficient until 2036, along with an additional 14 Class I landfills that are permitted but not operating; and

WHEREAS, the primary method to divert waste from Class I municipal solid waste disposal facilities per capita by weight was to divert construction waste to Class III and Class IV landfills; and

WHEREAS, Tennessee is the only state in the country to give positive credit for landfilled construction waste; and

WHEREAS, approximately one-half of the counties in this state do not currently reach the solid waste reduction and diversion goal of 25% as stated in Tennessee Code Annotated, Section 68-211-861. The Tennessee Department of Environment and Conservation has several methods, such as "real time" and qualitative assessments, to adjust numbers upward into compliance; and

WHEREAS, beginning in 2017 solid waste regions may not calculate the construction waste diverted to Class III and Class IV landfills as recycling or waste diversion for the regional annual reports due in 2018; and

WHEREAS, the State can continue to measure solid waste generated, solid waste landfilled, solid waste recycled and composted, and other waste such as paper, food, metal, and

wood from the annual progress report submitted by solid waste regions without the credit toward the 25% goal of diversion of construction waste to Class III and Class IV landfills; and

WHEREAS, an accepted number for direct and indirect job creation for recycling and composting solid waste is 1.68 jobs per ton of solid waste recycled or composted. In 2012, Tennessee landfilled 5,710,987 tons in Class I landfills (4.85 pounds per capita), disposed 1,429,956 tons in Class III/Class IV landfills (1.2 pounds per capita per day), and recycled 3,609,241 tons of municipal solid waste based on local annual progress reports (3.1 pounds per day); and

WHEREAS, it is imperative that the Department of Environment and Conservation continues to process information from the regional annual reports and calculate the 25% waste diversion without utilizing credits for construction waste diverted; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 211, Part 8, is amended by adding the following language as a new section:

(a) The department is directed to analyze the ten (10) most populated counties in this state to develop a list of services projected to divert forty percent (40%) of the municipal solid waste in those counties by January 1, 2021.

(b) The department, in conjunction with members of the energy, agriculture and natural resources committee of the senate and the agriculture and natural resources committee of the house of representatives, solid waste officials in local regions, and public citizens, shall compile a report to be submitted to the governor no later than January 15, 2017, that includes, but is not limited to, legislative recommendations regarding the following:

- (1) Food waste composting in schools and restaurants and hosted by wood waste processing centers;
- (2) How to best utilize recycled glass in creating new glass;
- (3) The recovery of aluminum;

(4) Increasing the amount of paper, cardboard, and other products recovered through the following methods:

(A) Expanded recycling education and promotion programs that includes recycling collection promotions directed at residential and commercial solid waste service customers and generators at least four (4) times each year;

(B) The provision of at least one (1) durable recycling container directly to each residential collection service customer;

(C) The provision of recycling collection services to multi-family dwelling complexes having five (5) or more units;

(D) Residential yard debris collection and composting programs;

(E) The regular, on-site collection of source-separated principal recyclable materials from commercial generators;

(F) The establishment of an expanded system of recycling depots conveniently located to the population served;

(G) Garbage collection rates established as a waste reduction incentive, including a mini-can option;

(H) The establishment of collection and composting programs for commercial and institutional food waste, non-recyclable paper, and other compostable waste;

(I) How to divert and collect glass by color; and

(J) How wood waste processing centers can host food waste composting and school food waste processing.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.